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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,006	04/08/1999	JOSEPH E. CLOUTIER	CLOUTIER-2-3	6957
30541	7590	03/24/2004	EXAMINER	
LAW OFFICE OF JOHN LIGON 505 HIGHLAND AVENUE P.O. BOX 43485 UPPER MONTCLAIR, NJ 07043			ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 03/24/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/288,006	CLOUTIER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ronald Abelson	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 December 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 and 25-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 15-21 and 31 is/are allowed.

6)  Claim(s) 1-4,7,9-14,22,23 and 25-29 is/are rejected.

7)  Claim(s) 5,6,8 and 30 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 18 November 1999 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 9-14, 22, 23, and 25-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (US 5,859,853) in view of applicant's admitted prior art 'AAPA'.

Regarding claims 1, 22, and 27, Carlson teaches a method and apparatus for of dynamically controlling the duration of a burst transmission of said data packets (col. 2 lines 20-32).

Carlson teaches assigning a duration to said burst transmission (timer interval, col. 2 line 21).

Carlson teaches during said transmission duration, monitoring a source of said input data packets for the presence of at least one additional data packet of said input data message within a known time period (fig. 6A box 352).

Carlson teaches annexing said at least one additional data packet into said burst transmission upon detection within said time period (fig. 6A box 356).

Regarding claims 22 and 27, in addition to the limitations previously listed, Carlson teaches adding said known time period to said burst duration upon detection of said at least one additional data packet during said known time period (col. 2 lines 27 - 32); wherein said known time period is selected in relation to an input data rate of said input data packets (col. 2 lines 17-19).

Carlson is silent on a wireless communication system having a transmitter and at least one receiver operable to be coupled via a communication link, said transmitter capable of acquiring an input data message comprised of a plurality of data packets, as specified in claims 1, 22, and 27; and CDMA (AAPA, pg. 3 line 1), as specified in claim 14.

AAPA teaches a wireless communication system having a transmitter and at least one receiver operable to be coupled via a communication link (pg. 4 lines 11-22), said transmitter capable of acquiring an input data message comprised of a plurality of data packets (col. 4 lines 13), as specified in claims 1, 22, and 27; and CDMA (AAPA, pg. 3 line 1), as specified in claim 14.

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Therefore it would have been obvious to one of ordinary skill in the art, having both Carlson and AAPA before him/her and with the teachings [a] as shown by Carlson, a method and apparatus for dynamically controlling the duration of a burst transmission of said data packets, and [b] as shown by AAPA, a wireless communication system having a transmitter and at least one receiver operable to be coupled via a communication link, said transmitter capable of acquiring an input data message comprised of a plurality of data packets and CDMA, to be motivated to implement the algorithm of Carlson into the CDMA system as taught in the applicant's admitted prior art. This modification can be performed in software. The algorithm of Carlson would improve a wireless system since wireless systems are now required to handle data in addition to voice. The algorithm of Carlson optimizes the transmission of data packets.

Regarding claims 2 and 23, restarting said time period commensurate with the presence of said at least one additional data packet within said known time period (Carlson: fig. 7 box 465, col. 5 lines 46-53).

Regarding claims 3 and 25, extending said assigned burst duration commensurate with a transmission requirement for said

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at least one additional data packet detected in said time period (Carlson: col. 2 lines 27-32).

Regarding claim 4, said known time period (Carlson: col. 2 lines 27 - 32) is selected in relation to an input data rate of said input data packets (Carlson: col. 2 lines 17-19).

Regarding claim 7, terminating said burst transmission upon termination of said assigned burst duration (Carlson: col. 2 lines 22-25).

Regarding claim 9, the method of controlling a burst duration as recited in Claim 2 wherein restarting of said time period corresponds to the detection of a first of said at least one additional data packet detected within said time period (Carlson: received packet, col. 5 lines 46-53).

Regarding claims 10 and 12, the method of controlling a burst duration as recited in Claim 2 wherein restarting of said time period corresponds to the detection of a last of said at least one additional data packet detected within said time period (Carlson: received packet, col. 5 lines 46-53).

Regarding claim 11, the method of controlling a burst duration as recited in Claim 2 wherein restarting of said time period corresponds to transmission of a first of said at least one additional data packet detected within said time period (Carlson: fig. 7 box 465).

Regarding claims 13 and 26, said monitored source of input data packets is a data buffer (Carlson: col. 2 lines 17-19). The examiner maintains the node of Carlson contains a buffer.

Regarding claim 28, the method of governing a burst duration as recited in Claim 27 wherein steps a through c are iteratively repeated during said burst duration (Carlson: dynamically adjusts, col. 2 lines 17-19). Given, dynamic adjustment, the concept of iteration is shown.

Regarding claim 29, wherein said known time period is selected in relation to an input data rate of said input data packets (Carlson: col. 2 lines 17-19).

***Allowable Subject Matter***

3. Claims 15-21, and 31 are allowed.

4. Claims 5-6, 8, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 5, nothing in the prior art of the record teaches or fairly suggests setting the burst duration is assigned to be greater than necessary to transmit an expected complement of input data packets in, combination with all the other limitations listed in the claim. In contrast, Carlson teaches adjusting the train length to fit the traffic flow (col. 2 lines 17-32).

Regarding claims 8, 15, 30, and 31, nothing in the prior art of the record teaches or fairly suggests terminating said burst transmission when no additional data packets are detected within said known time period, in combination with all the other limitations listed in the claim. In contrast, Carlson teaches terminating said burst transmission when the maximum number of packets has arrived (col. 2 lines 27-30)

6. Applicant's arguments with respect to claim 1-31 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant's contention that Kotikalapudi does not teach or suggest a sliding time interval based upon the burst interval (applicant: pg. 11 lines 9-12). Therefore, a new search was performed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

*Ra*

Ronald Abelson  
Examiner  
Art Unit 2666

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3/15/04

*Seema S. Rao*  
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SUPERVISORY PATENT EXAMINER  
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